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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,248	03/05/2002	Maria Rene Ebling	YOR920010659US1	6737
7590	06/02/2005		EXAMINER	
Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560			AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	
DATE MAILED: 06/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/091,248

Applicant(s)

EBLING ET AL.

Examiner

Scott Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9,10,12-16 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10,12-16 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The application of Ebling et al. for a "Method and apparatus for providing dynamic user alert" filed March 5, 2002 has been examined.

Claims 1-7,9-10,12-16,20-27 are pending.

Claims 8,11 and 17-19 are canceled.

Claims 1-7, 9-10,12 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi (US# 5,815,081) in view of Theimer et al. (US# 5,493,692) and further in view of Parvulescu et al. (US# 6,687,497).

Referring to claims 1,12 and 23, Motohashi discloses a method of providing a dynamic alert indication to a user of a signal receiving device, the method comprising the steps of (col. 1 lines 64-67; see Figure 1):

transmitting a signal from a signal transmitting device to a signal receiving device (col. 2 lines 36-44; see Figure 1);

processing the signal to determine at least one mode to be associated with an alert indication, wherein the processing step includes the step of accessing a look-up table containing information associated with a user of the signal receiving device to determine the at least one mode to be associated with the alert indication (col. 3 line 44 to col. 4 line 19; see Figures 1-4); and

receiving the signal from a signal transmitting device in the signal receiving

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device, wherein the signal alerts the user of the signal receiving device via the alert indication that the signal has been received by the signal receiving device (col. 3 line 44 to col. 4 line 19; see Figures 1-4); wherein context is also useable to automatically modify at least one of an operating mode associated with the signal receiving device and an alert indication mode associated with a signal intended fro the signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification (i.e. there are no hands involved, the CPU 17 is automatic made the decision of the alert indication of the receiving signal (col. 3 line 44 to col. 4 line 19).

However, Motohashi did not explicitly disclose that evaluating context provided by the environment that the user is in and is an environment-appropriate mode; and wherein the receiving signal is independent of at least an identity of the user of the signal receiving device, upon the signal receiving device being present in an environment that warrents mode modification.

In the same field of endeavor of paging system, Theimer et al. discloses the alerting mode that evaluating context provided by the environment that the user is in (col. 4 lines 7-43 and col. 9 lines 42-65) in order to obtain privacy on the receiving side.

One of ordinary skill in the art understands that alerting mode that evaluating context provided by the environment that the user is in of Theimer et al. is desirable in the paging system of Motohashi because Motohashi suggests a radio paging receiver has a function which is called a call condition indicating codes relating to the call condition indicating function (col. 2 lines 36-67) and Theimer et al. suggest a method for selectively delivering electronic messages to an identified user in a system of mobile

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and fixed devices, including multiple display devices and multiple users, where the identity and location of each device, display device and user may be known to the system, based on the context of the system and the environment of the identified user (col. 4 lines 27-33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include alert message to the receiver of Theimer et al. in the paging system of Motohashi with the motivation for doing so would allow the user with more privacy of receiving the message.

However, Motohashi in view of Theimer et al. did not explicitly disclose wherein the context is independent of at least an identity of the user of the signal receiving device.

In the same field of endeavor of paging system, Parvulescu et al. discloses wherein the context is independent of at least an identity of the user of the signal receiving device (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40) in order to disable device 14.

One of ordinary skill in the art understands that the context is independent of at least an identity of the user of the signal receiving device of Parvulescu et al. is desirable in the communication Motohashi in view of Theimer et al. because Motohashi suggests a radio paging receiver has a function which is called a call condition indicating codes relating to the call condition indicating function (col. 2 lines 36-67), Theimer et al. suggest a method for selectively delivering electronic messages to an identified user in a system of mobile and fixed devices, including multiple display devices and multiple users, where the identity and location of each device, display

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device and user may be known to the system, based on the context of the system and the environment of the identified user (col. 4 lines 27-33) and Parvulescu et al. suggest the RF transmitter 16 located in a stationary zone or environment, such as an emergency room of a hospital or a secure facility, in which all communication devices 14 are to be disabled; in this type of stationary environment, trigger signal 15 would be continuously generated by electric system 20. Weak RF signal 18 and weak RF field 19 are broadcast by the RF transmitter 16 in such a manner that the weak RF field 19 may be received by communication device 14 within the environment but not by a communication device outside the environment (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the context is independent of at least an identity of the user of the signal receiving device of Parvulescu et al. in the communication system of Motohashi and Theimer et al. with the motivation for doing so would enhance public safety.

Referring to claim 2-4, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as cited in claim 1, Motohashi discloses wherein the mode of the alert indication is at least one of audible (24) (i.e. loudspeaker for produce melody ring tone) and non-audible (23,25) (i.e. LED, vibrator) (col. 3 line 22 to col. 4 line 20; see Figures 1 and 3-4).

Referring to claim 5, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the mode of the alert indication is suggested by a sender of the signal (col. 1 lines 51-52).

Referring to claim 6, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the accessing step occurs within the signal receiving device (col. 3 lines 44-57).

Referring to claim 7, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 1, Theimer et al. disclose further comprising the step of evaluating the signal to determine its relative importance based on content of the signal (col. 4 lines 27-42).

Referring to claim 9, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 1, Theimer et al. disclose wherein the environment that the user is in is a context service environment (col. 4 lines 7-43 and col. 9 lines 42-65).

Referring to claim 10, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the signal receiving device comprises one of a cellular telephone, personal digital assistant, and a pager (i.e. radio paging receiver) (col. 2 lines 36-44).

Referring to claim 24, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses wherein the preferred mode of alert indication comprises a non-audible (23,25) (i.e. LED, vibrator) mode of alert (col. 3 lines 23-42).

Referring to claim 25, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 23, Theimer et al. disclose wherein the environment that the user is in is a context service environment (col. 4 lines 7-43 and col. 9 lines 42-65).

Referring to claim 26, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses wherein the processing step determines that no mode of alert indication may be utilized by the signal receiving device while within the environment (col. 4 lines 44-57).

Referring to claim 27, Motohashi in view of Theimer et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses further comprising the step of blocking transmissions to and from the signal receiving device wherein a blocking instruction is determined during the processing step (col. 4 lines 44-57).



Claims 13-16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer et al. (US# 5,493,692) in view of Parvulescu et al. (US# 6,687,497).

Referring to claim 13, Theimer et al. disclose a method of sending a message and providing a dynamic alert indication therewith, the method comprising the steps of:

identifying a recipient of the message (col. 27 lines 60-62);

accessing a database to determine the recipient's alert indication preferences (col. 14 lines 43-48);

determining an environment-appropriate method of alert indication based on the recipient's alert indication preferences and context provided by the environment that the user is in (col. 4 lines 27-42 and col. 14 line 62 to col. 15 line 4); and

transmitting the message and alert indication to the user device (col. 27, claim 1 and col. 28, claim 7);

wherein context is also useable to automatically modify at least one of an operating mode associated with the signal receiving device and an alert indication mode associated with a signal intended for the signal receiving device (col. 9 lines 42-67, col. 27, claim 1 and col. 28, claim 7).

However, Theimer et al. did not explicitly disclose wherein the context is independent of at least an identity of the user of the signal receiving device.

In the same field of endeavor of paging system, Parvulescu et al. discloses wherein the context is independent of at least an identity of the user of the signal

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receiving device (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40) in order to disable device 14.

One of ordinary skill in the art understands that the context is independent of at least an identity of the user of the signal receiving device of Parvulescu et al. is desirable in the communication of Theimer et al. because Theimer et al. suggest a method for selectively delivering electronic messages to an identified user in a system of mobile and fixed devices, including multiple display devices and multiple users, where the identity and location of each device, display device and user may be known to the system, based on the context of the system and the environment of the identified user (col. 4 lines 27-33) and Parvulescu et al. suggest the RF transmitter 16 located in a stationary zone or environment, such as an emergency room of a hospital or a secure facility, in which all communication devices 14 are to be disabled; in this type of stationary environment, trigger signal 15 would be continuously generated by electric system 20. Weak RF signal 18 and weak RF field 19 are broadcast by the RF transmitter 16 in such a manner that the weak RF field 19 may be received by communication device 14 within the environment but not by a communication device outside the environment (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the context is independent of at least an identity of the user of the signal receiving device of Parvulescu et al. in the communication system of Theimer et al. with the motivation for doing so would enhance public safety.

Referring to claim 14, Theimer et al. in view of Parvulescu et al. disclose a method of claim 13, Theimer et al. disclose further comprising the step of determining whether the recipient of the message subscribes to a database system (100) (i.e. UserAgent) which records the recipient's alert indication preferences (col. 10 lines 8-21; see Figures 2-3).

Referring to claim 15, Theimer et al. in view of Parvulescu et al. disclose a method of claim 13, Theimer et al. disclose further comprising the step of transforming the message prior to transmitting the message (col. 27 and 28, claims 1 and 7).

Referring to claim 16, Theimer et al. in view of Parvulescu et al. disclose a method of claim 13, Theimer et al. disclose further comprising the step of determining the context of the recipient prior to transmitting the message (col. 9 lines 42-65 and col. 27 and 28, claims 1 and 7).

Referring to claim 20, Theimer et al. disclose an apparatus for providing a dynamic alert indication to a user of a communication device (i.e. pager of user 60), the apparatus comprising:  
storage unit (102) (i.e. user profile) containing information associated with the user of the communication device (col. 9 lines 54-59); it's inherent that a processor within

UserAgent (100) for processing a signal from a transmitter to determine an environment-appropriate mode of an alert indication based on at least a portion of the information contained in the storage unit and context provided by the environment that the user is in (col. 9 lines 60-65); and a signal receiving device for receiving signal, the signal receiving device having means for sending the alert indication to the user (col. 25 lines 57-67 and col. 4 lines 27-43); wherein context is also useable to automatically modify at least one of an operating mode associated with the signal receiving device and an alert indication mode associated with a signal intended for the signal receiving device (col. 9 lines 42-67, col. 27, claim 1 and col. 28, claim 7).

However, Theimer et al. did not explicitly disclose wherein the receiving signal is independent of at least an identity of the user of the signal receiving device.

In the same field of endeavor of paging system, Parvulescu et al. discloses wherein the context is independent of at least an identity of the user of the signal receiving device (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40) in order to disable device 14.

It would have been obvious to provide wherein the context is independent of at least an identity of the user of the signal receiving device for the same reason with respect to claim 13 above.

Referring to claim 21, Thieme et al. in view of Parvulescu et al. disclose the apparatus as cited in claim 20, Thieme et al. disclose wherein the storage unit is in the

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communication device (i.e. see Abstract) and it's inherent that a pager have a memory storage within.

Referring to claim 22, Thiemer et al. in view of Parvulescu et al. disclose the apparatus as cited in claim 20, Thiemer et al. wherein the storage unit is in a service provider infrastructure (col. 9 lines 49-59).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-3906.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

**MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

